

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

**ESTATE OF JUDITH JOY JONES,
through its Personal Representative Angela
Brown, THE ESTATE OF CHRISTINA
BROADBENT, through its Personal
Representative Matthew Broadbent, THE
ESTATE OF GLORIA CLARK, through
its Personal Representative Leigh Ann
Byrne, THE ESTATE OF LORRAINE
CONLEY, through its Personal
Representative Cliff Conley, THE ESTATE
OF KEVIN FORTUNE, through its
Personal Representative Greg Fortune, and
THE ESTATE OF ALAN KUZENS,
through its Personal Representative Zach
Kuzens,**

Plaintiffs,

v.

**ST. JUDE OPERATING COMPANY,
LLC, d/b/a Healthcare at Foster Creek,
and BENICIA SENIOR LIVING, LLC,**

Defendants.

Case No. 3:20-cv-1088-SB

ORDER

IMMERGUT, District Judge.

On October 14, 2020, Magistrate Judge Stacie F. Beckerman issued her original Findings & Recommendation (“F&R”) in this case, ECF 15, recommending that this Court grant Plaintiffs’ Motion to Remand to State Court, ECF 6. Defendants filed Objections to the F&R and notices of supplemental authority, raising new arguments before this Court not previously considered by the Magistrate Judge. *See* ECF 20; ECF 24. Plaintiffs also filed responses to Defendants’ new arguments. *See* ECF 22; ECF 28. After reviewing the briefs, this Court recommitted the matter to Judge Beckerman for further consideration in light of the parties’ new arguments and supplemental briefing. ECF 31.

On February 16, 2021, Judge Beckerman issued an Amended F&R, ECF 36, withdrawing and replacing the original F&R. The Amended F&R recommends granting Plaintiffs’ Motion to Remand to State Court, ECF 6, and denying as moot Defendants’ Motion to Dismiss, ECF 5. No party filed objections.

DISCUSSION

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

No party having filed objections, this Court has reviewed the Amended F&R and accepts Judge Beckerman's conclusions. The Amended F&R, ECF 36, is adopted in full. Plaintiffs' Motion to Remand to State Court, ECF 6, is GRANTED, and Defendants' Motion to Dismiss, ECF 5, is DENIED AS MOOT.

IT IS SO ORDERED.

DATED this 8th day of March, 2021.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge